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The role of the United Nations system in supporting the efforts of African countries to achieve sustainable development
Economic and environmental questions: public administration and development

Letter dated 11 April 2001 from the Permanent Representative of Namibia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the texts of the Windhoek Declaration (annex I) and the Charter for the Public Service in Africa (annex II) adopted at the Third Biennial Pan-African Conference of Ministers of the Civil Service, held in Windhoek, Republic of Namibia, on 5 and 6 February 2001.***

I should be grateful if you would have the present letter and its annexes circulated as a document of the fifty-sixth session of the General Assembly, under item 12 of the preliminary list, and of the Economic and Social Council, under items 2 and 13 (k) of the provisional agenda for the substantive session of 2001.

(*Signed*) Martin **Andjaba**
Ambassador and Permanent Representative

* A/56/50.
** E/2001/100.
*** The annexes are being circulated in the languages of submission only (English and French).

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Annex I to the letter dated 11 April 2001 from the Permanent Representative of Namibia to the United Nations addressed to the Secretary-General

Windhoek Declaration

We, African Public Service Ministers, meeting on the occasion of the Third Pan-African Conference of Public Service Ministers, held at Windhoek, Namibia, on 5-6 February 2001,

Recalling resolution 50/225 of the United Nations General Assembly on "Public Administration and Development" adopted at its Resumed 50th Session,

Reaffirming the need to strengthen national public administrations in order to promote social and economic development and to meet the challenges of globalization through access to modern information technology,

Recalling the recommendation of the Rabat Declaration on the elaboration of a Charter for the Public Service in Africa, which affirms the professional values of the public service in Africa, redefines its objectives and missions and specifies the fundamental conditions required for strengthening its role, competence, ethical values and image, including a code of conduct for African public service employees,

Having considered and amended the draft of the Charter elaborated by the Working Group established by the 2nd Pan-African Conference supported by CAFRAD and UNDESA,

1. Adopt unanimously the Charter for the Public Service in Africa which:

   - Defines a framework to guide the public services in Africa in taking such legislative, regulatory, technical and practical measures as may be required to create propitious conditions for the proper functioning of the public service and improve the quality of its services;

   - States and defines the principles and rules of conduct for public service and State employees, who shall foster a neutral and stable environment conducive to the strengthening of ethical values and the image of the public service, as well as the professionalism of its employees;

   - Expresses the will of African States and underscores their political and moral commitment to improve the services provided to citizens and ensure the efficient use of the resources allocated for such services;

2. Request the Chairman of the Conference to submit the text of the Charter to the 56th session of the United Nations General Assembly, which will review the implementation of resolution 50/225;

3. Commit to establish and/or strengthen at the national level mechanisms for the implementation and dissemination of the Charter by involving the highest levels of Government and ensuring the wide participation of all stakeholders in order to ensure respect for the principles, values and rules defined in the Charter;

4. Request CAFRAD, in cooperation with African regional and sub-regional institutions and groupings, to develop strategies, plans, tools and monitoring mechanisms to assist the African countries in the implementation of the Charter;

5. Request UNDESA in cooperation with ECA to assist the national and regional efforts by providing advisory services and appropriate tools, such as training modules and materials, audio-visual instruments and methodologies, and make available, and if necessary expand, the United Nations Public Administration Network (UNPAN), its facilities and connectivity for the implementation of the Charter;

6. Reaffirm the crucial role played by the national public administration schools and institutes and the need to develop and strengthen their ability to prepare the public servants of the future to deal with the challenges of globalization;

7. Request the sub-regional, regional and international institutions in public administration to pool and coordinate their efforts in order to support the national institutes;

8. Request UNDESA in cooperation with CAFRAD and other organizations to support the emergency training needs in public administration through the utilization of ICT and distance learning technologies;

9. Request UNDESA to exercise its good offices to seek appropriate resources from international institutions and bilateral donors to support the efforts for the implementation of the Charter for the Public Service in Africa and for new capacity-building needs of African countries in the face of globalization;

10. Express profound gratitude to the Government and people of Namibia for their warm reception and their effort to host and facilitated this historic Conference.

Annex II to the letter dated 11 April 2001 from the Permanent Representative of Namibia to the United Nations addressed to the Secretary-General

Charter for the Public Service in Africa

Adopted by the Third Biennial Pan-African Conference of Ministers of Civil Service

Windhoek, Namibia
5 February 2001

Preamble

We, African Public Service Ministers, meeting on the occasion of the Third Pan-African Conference of Public Service Ministers, held at Windhoek, Namibia, on 5-6 February 2001,

Reaffirming the political commitment made by African Public Service Ministers at the Second Pan-African Conference held at Rabat from 13-15 December 1998, to enhance professionalism and ethics in the public service in Africa, in close collaboration with their colleagues from the other ministries;

Recalling the recommendation of the Rabat Declaration on the elaboration of a Charter for the Public Service in Africa, which affirms the professional values of the public service in Africa, redefines its objectives and missions and specifies the fundamental conditions required for strengthening its role, competence, ethical values and image, including a code of conduct for African public service employees;

Considering the mandate given to the Chairperson of the Second Conference to set up, with some of the Conference participants, a working group with the backing of the African Training and Research Centre in Administration for Development (CAFRAD) and the Department of Economic and Social Affairs (DESA) of the United Nations, to elaborate a draft Charter for the Public Service in Africa;

Considering the need to adapt the different public services in Africa to the new requirements of public service, so as to be able to anticipate or accompany the profound changes that African countries are experiencing and take into account the prevailing socio-economic conditions, including:

- Modernizing administrative structures by mastering the new communication technologies, allowing to transform historically and politically motivated functions into sound business-like operations;

- Adapting to the increasing globalization of the economy and creating an enabling environment for private sector growth;

- Ensuring not only the economic growth and the strengthening of basic infrastructure but also promoting social development and striving to reduce the growing disparities in income and opportunities in order to foster social solidarity;

Considering that public services must be able to discharge, in optimum conditions of equity and effectiveness, their vital mission of safeguarding the fundamental values of the public service, protecting the public interest and promoting human and sustainable economic and social development;

Considering that, in order to preserve their legitimacy, public services must adapt to and respond in a sustainable, quality-conscious and efficient manner to the needs of users by placing them at the centre of their concerns, while ensuring transparency and respect for human rights and democracy;

Adopt the present Charter for the Public Service in Africa which:

- Defines a framework to guide the public services in Africa in taking such legislative, regulatory, technical and practical measures as may be required to create propitious conditions for the proper functioning of the public service and improve the quality of its services;

- States and defines the principles and rules of conduct for public services and State employees, who shall foster a neutral and stable environment conducive to the strengthening of ethical values and the image of the public service, as well as the professionalism of its employees;

- Expresses the will of African States and underscores their political and moral commitment to streamline the services provided to citizens and ensure the efficient use of the resources allocated for such services;

- Encourages South-South exchanges of experiences and information and horizontal cooperation.

This Charter shall be structured as follows:

1. General provisions relating to the duties and role of the public service designed to restore and/or enhance its image, credibility and legitimacy;

2. Provisions relating to the conduct of public service employees in the exercise of their duties;

3. Provisions relating to legislation, organs and mechanisms, as well as monitoring and follow-up tools.

TITLE I—GENERAL PROVISIONS

PART I—PURPOSE AND SCOPE

Article 1: Purpose

The Charter for the Public Service in Africa shall:

- Define the principles and general rules governing African public services with respect to transparency, professionalism and ethical standards;
- Give concrete expression to the commitment of African States to promote such values in the public service;
- Serve as a policy framework for the public service administrations of all African countries and a source of inspiration for the development, strengthening or updating of national codes of conduct.

Article 2: Scope

The provisions for the present Charter shall apply to public services and to public service employees as defined in article 3 below.

Article 3: Definitions

For the purposes of the present Charter, the following definitions shall apply:

"Administration": any public entity that implements government policies and takes decisions that affect the rights of other persons or entities, be they individuals or not, and/or has a public service responsibility;

"Person concerned": any legal person or individual who may be directly or indirectly affected and concerned by a decision emanating from the public service;

"User": an individual or legal person using the services of a public service and benefitting from them;

"Competent authority": the Minister or administrative authority of the State or of the public service body which is authorized to take an administrative decision;

"Public Service employee": a person in public employment given the responsibility for taking, implementing or enforcing a decision within the meaning of the preceding paragraph;

"Ethics": the standards which guide the behaviour and actions of personnel in public institutions and which may be referred to as moral laws;

"Conduct": the behaviour, attitude and activities of public service employees both within and outside their working environment.

PART II—FUNDAMENTAL PRINCIPLES OF THE PUBLIC SERVICE

All African countries that are signatories to this Charter, the administration shall respect the fundamental, universal principles of the public service. This implies that legal provisions exist, that they are well known, comprehensible and accessible.

Article 4: Principle of equality of treatment

All public services shall recognize the equality of citizens before the law.

Persons in a comparable situation vis-à-vis the administration shall be treated equally without any distinctions whatsoever.

Any discrimination based on the place of origin, race, gender, religion, ethnic group, philosophical or political convictions or other personal considerations shall be prohibited.

Moreover, measures taken by the public service shall be proportional to what is required to achieve the goal of safeguarding the interests of the public at large, so as not to unduly affect the interests of other parties.

Article 5: Principle of neutrality

The public service that serves the interest of the public shall not discriminate against its employees because of their personal traits. The public service as a whole remains neutral in respect to the government of the day and this fundamental principle will be respected by all administrations.

Article 6: Principle of legality

Public service shall be provided in strict compliance with the law.

Administrative decisions shall be taken in conformity with existing regulations.

Article 7: Principle of continuity

Public service shall be provided on an ongoing basis and in all its component parts, in accordance with the rules governing its operation.

Failure to comply with the principle of continuity may incur the liability of the administration in respect of any person who might have suffered harm on account of such failure.

In this connection, the right to strike shall be exercised within the bounds of respect for the rule of law and the principle of continuity and in respect of those services the interruption of which endangers the life, personal safety or health of the whole or any part of the population.

PART III—RULES GOVERNING RELATIONS BETWEEN THE PUBLIC SERVICE AND THE USERS

The public service shall serve users in accordance with the following criteria: proximity and accessibility of services; participation, consultation and mediation; quality, effectiveness and efficiency; evaluation of services; transparency and information; speed and responsiveness; reliability and confidentiality of information.

Article 8: Proximity and accessibility of services

The public service shall be organized along functional and decentralized lines designed to bring public management closer to the people and provide them with appropriate and accessible basic services.

Physical proximity and accessibility can be achieved by the application of appropriate information and communication technologies (e-governance).

Article 9: Participation, consultation and mediation

It shall be the responsibility of the administration to ensure that the mechanisms of participation and consultation involving civil society and other stakeholders are effectively put in place through consultative forums or advisory bodies.

When provision is made in the texts for consultation, the public service may not introduce in its definitive texts, any provision that shall not have been submitted beforehand to the relevant advisory body for its opinion.

To avoid conflict of interest no individual who has a direct or indirect vested private interest in the subject matter of any consultation may be a member of an advisory body or take part in its deliberations.

It shall be the responsibility of the public service to put in place a system of mediation through an institution that has sufficient moral and social authority that enables users as well as public service employees themselves to have means of redress other than administrative and/or legal remedies. The mandate of this institution would thus be to ensure that the rights of users and public service employees are upheld for the benefit of all parties concerned.

Article 10: Quality, effectiveness and efficiency

The public service shall ensure that the highest quality and the most effective and efficient services are provided by making optimal use of the resources at its disposal. It shall also take into account the resources and means that users have available to them to benefit from public services.

The public service shall make the necessary adjustments to the way in which its services are organized and operated, in order to respond, on a sustainable basis, to changing needs and the demands of the public at large. These adjustments must lead to better service delivery and must be informed by best practices in the application of the information and communication technologies.

Article 11: Evaluation of services

The evaluation of the effectiveness and productivity of services shall be based on objectives and programmes of activities defined beforehand, accompanied by performance indicators and criteria.

To this end, evaluation mechanisms shall be established in the public service to carry out periodic evaluations of the services offered to the public.

The results of these evaluations shall be disseminated, together with the publication of the annual reports.

Article 12: Transparency and information

Administrative decisions shall always be taken in accordance with transparent, simple and understandable procedures, while ensuring accountability.

All administrative units shall make available all the necessary information on acts and procedures in their respective domains, as well as the information required to assess their management, with a view to enabling those interested to have full access.

The administration shall inform the person concerned of any decision taken concerning him/her, indicating the reasons for such decision and stating, where necessary, the legal remedies open to him/her, should he/she decide to challenge the decision.

The administration shall establish or strengthen reception and information units for users in order to assist them in gaining access to services and in recording their views, suggestions or complaints.

Article 13: Speed and responsiveness

The public service shall determine and respect deadlines in the delivery of its services. These deadlines must be established by law and regulations and evidence of unusually long delays, may make the administration liable to legal action.

Failure by the public service to take action upon the expiration of a deadline as stipulated in the law shall be construed as tacit acceptance, unless otherwise expressly provided by the law or regulations.

Article 14: Reliability and confidentiality of information concerning citizens

Personal information or information that helps to identify, in any manner whatsoever, directly or indirectly, the individuals concerned, may not be subject to processing, including computerized processing, in a manner that would violate personal privacy, individual freedoms or human rights.

Any person who can prove his/her identity shall have the right to be informed about any personal information concerning him/her, and to challenge and have such information corrected, if need be. He/she shall also be informed of the use to which such information is put, including in computerized information.

With the exception of administrative departments such as the police and the judiciary, which may be authorized by law to maintain automated personal data files, no files shall contain information on the private life, views, health or individuals, or on any other type of information that may violate the privacy of individuals, without the express authorization of the individuals concerned. Departments must however take cognizance of the complexity of privacy and disclosure in the event of an individual, where a balance has to be found between privacy and public interest. (i.e. HIV/AIDS).

PART IV—RELATIONS BETWEEN THE PUBLIC SERVICE AND PUBLIC SERVICE EMPLOYEES

The relations between the public service administration and its employees shall be based on professional merit and respect for human rights.

The administration shall see to the career development prospects of public service employees while ensuring the development of human resources and their self-fulfillment.

Article 15: Recruitment and promotion

Public service employees shall be recruited, appointed and promoted on the basis of their competence and professional skills and in accordance with transparent and objective procedures that guarantee equal opportunities for all, women, disabled and particularly disadvantaged groups.

Article 16: Mobility and redeployment

Deployment and redeployment of staff shall take due account of the exigencies of the service and as far as possible will respond to the aspirations of public service employees for a satisfactory and rewarding career development.

Article 17: Staff training and development

Considering that public service employees are entitled to training and development, the public service administration shall provide an enabling environment and the necessary resources for enhancing and adapting, on an ongoing basis, their knowledge and skills, including through allowing them to specialize and become versatile.

Article 18: Motivation

The organization and functioning of the public service administration, as well as the management style and quality of management of managers, shall address the aspirations of public service employees for self-fulfillment and develop in them leadership capabilities, responsibility and a sense of initiative.

The public service administration shall foster dialogue between subordinates and management, not only with regard to improving working conditions, but also to prospective reforms.

Article 19: Remuneration

Public service employees shall be entitled, within the framework of an improved, motivational, coherent and harmonized system, to fair remuneration that is commensurate with their responsibilities and performance and enables them to live in dignity.

Article 20: Physical safety, working conditions and security of tenure

The administration shall guarantee minimum standards of health, security and safety in the workplace.

The administration shall grant public service employees immunity from prosecution in the performance of their duties which is within the purview of the law.

With the exception of the disciplinary measures provided for by law, public service employees may not be subject to any measures that may affect their dignity and tarnish their honour.

TITLE II—CODE OF CONDUCT OF PUBLIC SERVICE EMPLOYEES

PART I—FUNDAMENTAL VALUES OF THE PUBLIC SERVICE EMPLOYEE

The fundamental values of a public service employee shall be based on public service rooted in professionalism and ethics.

Article 21: Professionalism

Professionalism resides in how skillfully and how well a public service employee performs his/her functions and duties.

Professionalism manifests itself in the public service employee's behaviour at work and in his/her constant effort to improve, reinforce and update his/her knowledge, refine the skills that are necessary for carrying out his/her tasks and enhancing his/her output and productivity.

Article 22: Ethics

Ethics shall mean a sound culture based on ethical values and principles.

A public service employee shall ensure compliance with the principles of law and the implementation of judicial decisions.

A public service employee shall perform his/her duties properly and efficiently and display professional discipline, dignity, integrity, equity, impartiality, fairness, public-spiritedness and courtesy in the discharge of his/her functions, notably in his/her relations with his/her superiors, colleagues and subordinates, as well as with the public.

The public service employee shall ensure at all times that public property under his/her responsibility, is managed in the most appropriate and efficient manner.

PART II—RULES OF CONDUCT FOR PUBLIC SERVICE EMPLOYEES

The rules of conduct for public service employees shall be part of an integrated anti-corruption system.

A public service employee's conduct shall be deemed to be appropriate when he/she behaves in a manner that enhances public confidence and boosts the image of the public service.

Article 23: Integrity and moral rectitude

Public service employees shall refrain from any activity that is inconsistent with ethics and morality, such as misappropriation of public funds, favouritism, nepotism, discrimination, influence-peddling or administrative indiscretion.

Public service employees shall not solicit, accept, demand or receive, directly or indirectly, any payment, gift or other advantage in kind, in return for performing or refraining from performing their functions or obligations.

It shall be reprehensible for public service employees to offer gifts or other advantages that might influence in their favour or in favour of family members and friends, the judgement or decisions of another person.

Public service employees shall under no circumstances use public property or prevail upon subordinates to perform activities other than those falling within the scope of their functions or mandate.

Article 24: Conflict of interest

Public service employees shall not take up functions or positions, engage in transactions or have any financial, commercial or material interests that might be incompatible with their functions, responsibilities or duties.

Without prejudice to the incompatible activities already laid down in the law or regulations, public service employees shall, to the extent required by their official position, declare any financial and commercial interests they might have or any profit-making activities they may be engaged in, either directly or through family members, if such interests or activities are likely to give rise to conflicts of interest.

In the event of any potential or actual conflict of interest between their professional status and private interest, public service employees shall terminate activities likely to give rise to such a conflict.

Upon leaving office, and for such period of time as may be stipulated by law or by the relevant regulations, public service employees appointed to certain positions of responsibility and trust shall not take undue advantage of positions previously held, by accepting remunerated employment that is related to their previous functions.

Article 25: Declaration of assets or illicit enrichment

In order to ensure the monitoring of any excessive accumulation of wealth, public service employees appointed to certain positions of responsibility specified by law shall, upon taking and leaving office, declare their assets as well as those of members of their family.

In any case, and for all categories of public service employees, legal provisions and regulations shall be put into place to identify and punish the illicit enrichment.

Article 26: Political neutrality and duty of confidentiality

A public service employee shall not use his/her post, function or responsibilities for political or partisan purposes, which may be detrimental to the interests of the public service.

Public service employees shall respect the confidentiality of official information to which they are privy by virtue of their professional activities, even after leaving office, except where the law, the legitimate authority or the interest of justice require otherwise.

Public service employees shall not, on the basis of their political affiliation or their own ideological beliefs, seek to influence or change the policies, decisions or actions that the administration has decided to define, adopt or implement.

PART III—IMPLEMENTATION MODALITIES

Article 27: Implementation of sensitization and training programmes

Member States shall undertake sensitization and training programmes for public service employees in the area of professional ethics and take the appropriate practical steps to inform the public.

Article 28: Establishment of national monitoring bodies

Member States shall implement the legislative and regulatory measures necessary for establishing monitoring bodies and committees for ensuring compliance with the standards of conduct defined herewith and punishing inappropriate behaviour.

TITLE III—FINAL PROVISION

Article 29: Establishment of a follow-up mechanism

In order to ensure respect for the principles, values and rules defined above, a mechanism to monitor the implementation of the present Charter is required.